IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9862 of 2006

DATED:27.03.2006

Between:

R.Bal Reddy Petitioner

And

The Divisional Manager, APSRTC
Nagarkurnool Division,
Mahabubnagar district and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 9862 OF 2005

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 22.7.2002 imposing the penalty of deferment of penalty of annual increment of the petitioner for a period of two years which shall have effect on future increments and treating the period of suspension as not on duty and the consequential rejection of appeal by order dated 30.07.2004 as illegal and arbitrary.

Learned counsel for petitioner submitted that the delay in filing the appeal is merely seven days, and the first respondent without considering the same, after lapse of about two years, has dismissed the appeal preferred by the petitioner as time barred one without assigning any reasons. It is further submitted that the first respondent may be directed to consider the appeal on merits and to pass appropriate orders in accordance with law.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation.

Since the delay in question is not abnormal, and it is merely seven days, the first respondent instead of dismissing the appeal on mere technical terms, ought to have considered the matter on merits so as to give quietus to the proceedings. In that view of the matter, the delay in filing the appeal is hereby condoned and the order dated 30.07.2004 is set aside. The first respondent is directed to consider the appeal on merits and pass appropriate orders in accordance with law as expeditiously as possible.

Subject to above direction, the writ petition is disposed of. No costs.

_____

N.V.RAMANA,J

DATE:27.03.2006

TVK